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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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MARK DANIEL SWITZER, Plaintiff,  v.  HOME DEPOT and PENSKE TRUCK RENTAL,  Defendants.	MEMORANDUM DECISION AND ORDER ADOPTING REPORT AND RECOMMENDATION   Case 2:24-cv-00370  District Judge Ted Stewart Magistrate Judge Jared C. Bennett
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This matter is before the Court on the Magistrate Judge's Report and Recommendation<sup>1</sup> regarding Defendant's Penske Truck Rental ("Penske") Motion to Dismiss<sup>2</sup> and a review under the *in forma pauperis* statute<sup>3</sup> for a claim against Defendant Home Depot ("Home Depot"). The Court will adopt the Magistrate Judge's Report and Recommendation in full.

Pursuant to 28 U.S.C. § 636(b)(1), a party has 14 days from being served with a copy of the Report and Recommendation to file an objection. Plaintiff's Objection was filed 15 days after he was served with the Magistrate Judge's recommendation, making his Objection untimely.

Regardless, the Court has carefully reviewed and considered the record and pleadings in this case, along with the Report and Recommendation. For the reasons explained by the Magistrate Judge, the Court agrees with the Magistrate Judge and will accordingly adopt the Report and Recommendation in full.

It is therefore

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<sup>1</sup> Docket No. 48.

<sup>2</sup> Docket No. 29.

<sup>3</sup> 28 U.S.C. § 1915.

ORDERED that the Magistrate Judge's April 1, 2025, Report and Recommendation (Docket No. 48) is ADOPTED; It is further

ORDERED that Penske's Motion to Dismiss (Docket No. 29) is GRANTED; It is further

ORDERED that the action is DISMISSED with prejudice as to Home Depot pursuant to 28 U.S.C. § 1915.

DATED this 21<sup>st</sup> day of April, 2025.

BY THE COURT:



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Ted Stewart  
United States District Judge